

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 11-14 and 16-21 are pending in this case, Claims 11 and 19 having been presently amended, Claim 15 having been cancelled without prejudice or disclaimer, and Claim 21 having been added. Support for amended Claims 11 and 19 can be found in the original claims, drawings, and specification.<sup>1</sup> No new matter has been added.

In the outstanding Office Action, the claims were objected due to informalities; Claim 11 was rejected under 35 U.S.C. § 112, second paragraph; and Claims 11-20 were rejected under 35 U.S.C. § 102(a) as anticipated by Lingman et al. (U.S. Patent Publ. No. 2004/0167705; hereinafter "Lingman").

In regard to the objection to Claim 19, Applicants have amended Claim 19 to correct the informality noted in the outstanding Office Action. Accordingly, Applicants respectfully request the objection to the claims be withdrawn.

In response to the rejection of Claim 11 under 35 U.S.C. § 112, second paragraph, Applicants have amended Claim 11 to correct the informality noted in the outstanding Office Action. Accordingly, Applicants respectfully request the rejection of Claim 11 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Applicants respectfully submit that amended independent Claim 11 recites novel features clearly not taught or rendered obvious by the applied reference.

Amended independent Claim 11 is directed to a method for estimating total mass of a motor vehicle including, *inter alia*:

...estimating the inclination of the surface on which the motor vehicle is traveling based on the acceleration variation due to errors, the recursive least-squares algorithm depends on the inclination and has at least two modes, a flat mode when the

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<sup>1</sup> See original Claim 15 and page 3, lines 11-15 of the specification.

inclination is within a predetermined interval of values corresponding to a plane surface, and a slope mode when the inclination is not within the predetermined interval of values corresponding to the plane surface.

Paragraph [0012] of Lingman describes that “[b]y utilizing a calculating device within which a recursive process generates an estimate of the gradient of the road on which a vehicle is being driven by the utilization of a statistical filter utilizing said input data comprising the vehicle's speed and a parameter which comprises a horizontal force acting on the vehicle, the road's gradient can be determined with good convergence utilizing a statistical representation of a road with varying gradient.”

However, Lingman fails to teach or suggest that “the recursive least-squares algorithm depends on the inclination and has at least *two modes*, a flat mode when the inclination *is within a predetermined interval of values corresponding to a plane surface, and a slope mode when the inclination is not within the predetermined interval of values corresponding to the plane surface*,” as recited in Applicants’ independent Claim 11. As described above, Lingman does not describe at least two modes or a predetermined interval of values corresponding to a plane surface, as Lingman merely describes calculating the road gradient using a statistical filter which uses the vehicle speed and horizontal force as inputs.

Accordingly, it is respectfully submitted that independent Claim 11 (and all claims depending thereon) patentably distinguishes over Lingman.

Independent Claim 19 is directed to a device for estimating total mass of a motor vehicle including, *inter alia*:

- ...wheel-speed sensors,
- an engine-torque sensor,
- a rate of rotation of an engine sensor,
- a clutch-pedal position sensor,
- a brake-pedal position sensor,

means for detecting cornering of the vehicle, ....

Paragraph [0051] of Lingman describes that an internal combustion engine 11 is controlled by an engine control unit 16 which uses an input signal from an accelerator pedal 17 and where applicable a constant speed regulator 18. However, Lingman does not describe a clutch-pedal position sensor.

Thus, Applicants submit that independent Claim 19 (and all claims depending thereon) patentably distinguishes over Lingman.

Accordingly, Applicants respectfully request the rejection of Claims 11-20 under 35 U.S.C. § 102(a) as anticipated by Lingman be withdrawn.

In order to vary the scope of protection recited in the claims, new Claim 21 is added. New Claim 21 finds non-limiting support in the disclosure as originally filed, for example at page 6, lines 9-11.

Therefore, the changes to the claims are not believed to raise a question of new matter.<sup>2</sup>

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Philippe J.C. Signore, Ph.D.  
Attorney of Record  
Registration No. 43,922

Derek P. Benke  
Registration No. 56,944

Edwin D. Garlepp  
Registration No. 45,330

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

<sup>2</sup> See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."